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Joint written statement* submitted by Save the Children International, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human rights council High level panel on human rights mainstreaming The protection and promotion of the human rights of migrants

Submission from the Inter-Agency Group on Children on the Move¹

Children make up a significant part of the large-scale and complex population movements currently taking place in many parts of the world and the number of children who are 'on the move' is growing dramatically. Migration can offer children and their families important opportunities to improve their lives. However, too many children who migrate are at risk of harm during their journey. It is essential that the rights and protection framework for these children be improved. This will help ensure that the children on the move today, and the many millions who are likely to migrate in years to come, are better protected from exploitation, abuse and violence, and can fully contribute to their own future as well as to the development of their societies.

The Inter-Agency Group on Children on the Move welcomes the decision of the Human Rights Council to hold its 2014 High Level Panel discussion on the theme of '*the human rights of migrants*' and calls on UN agencies, States Parties and relevant stakeholders to **ensure that the rights of children on the move² are fully discussed during this panel**. This is an important opportunity for UN agencies, Governments and other stakeholders to reflect on how to ensure that the specific needs and human rights of children on the move are explicitly addressed by the international community and in domestic policies and adequately mainstreamed into the human rights system.

Background

35 million international migrants worldwide are under the age of 20 (representing 16 % of the total migrant population) and 11 million are children between the ages of 15 and 19 years. Almost half of all migrants are female³. Many children or young people move alone, on a permanent or on a seasonal basis for various reasons, such as to escape from poverty, abuse, violence or conflict or to access education and employment opportunities. Almost half of all forcibly displaced people globally are children: over 12 million girls and boys⁴.

The reasons, patterns and consequences of children's movement are diverse and complex. For many children, leaving their home communities promises the chance of a better life, an escape from poverty, abuse, violence or conflict and a better opportunity to access jobs, education and basic services.

¹ The Inter-Agency Working Group on Children on the Move includes: Save the Children, UNICEF, ILO, IOM, UNHCR, Terre des Hommes, World Vision, Plan International, the African Movement of Working Children and Youths (AMWCY/MAEJT), Environmental Development Action in the Third World (ENDA), the Oak Foundation and individual experts and academics. UN agencies and NGO(s) without consultative status, also share the views expressed in this statement.

² The Inter-Agency Group on Children on the Move adopts a holistic focus on child migration by recognising the umbrella definition: "**Children on the move**" which are children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement while it may open up opportunities might also place them at risk (or at an increased risk) of economic or sexual exploitation, abuse, neglect and violence". While not exhaustive, this definition brings together children who have been trafficked; children seeking asylum; children who migrate (e.g. to pursue better life opportunities, look for work or education or to escape exploitative or abusive situations at home); and children displaced by conflict or natural disasters.

³ IOM Gender and Migration Fact Sheet at:

http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/brochures_and_info_sheets/gender_factsheet_en.pdf

⁴ Based on children as 47% of 25.9 million refugees and IDPs under UNHCR protection (UNHCR's Global Trends, 2011), mentioned in UNHCR (2012), A Framework for the Protection of Children, p.7

However, in the absence of protection services and support, children on the move, especially if they are traveling unaccompanied, are at high risk of abuse including physical violence, trafficking, and various forms of exploitation either during their journey or when they reach a new destination. Recent evidence suggests further that migrant children in child labour face more adverse working conditions than non-migrant child workers when comparing working hours, exposure to work hazards, bondage, violence and isolation⁵.

Children on the move may also face discrimination and, because of their migration status, additional barriers when trying to seek assistance, protection and services. Many of these children may find themselves trapped in a conflict or crisis situation where their lives are at risk, they are highly vulnerable to violence, detention or even recruitment into armed groups or to abduction⁶. Children who may have international protection needs may face difficulties in accessing asylum procedures because of the lack of specific measures such as child-friendly asylum procedures and accessible information to support them.

A range of studies on children on the move indicate that policies often do not adequately respond to the specific needs of these children or are applied in ways that are not reflective of the best interests of the child.⁷ Lack of coherence between migration and child protection policies is compounded by the lack of coordination in protection systems that channel different categories of children on the move (eg. trafficked children, street children, refugees, etc.) into different category-oriented protection responses and services which are subject to often conflicting political priorities. Children who are on the move, either voluntarily or involuntarily, often move in and out of different categories within the same journey or over time and, as such, they need protection and support mechanisms that are holistic, coherent and coordinated within and between countries.

Despite being obliged under the UN Convention on the Rights of the Child (UNCRC) to respect, protect and fulfil the rights of all children – irrespective of their status or place of origin – many governments still perceive children on the move as threats or offenders against migration laws, leaving them without adequate protection and often subject to prosecution, detention or unsafe return. At the international level, despite the growing mobility of children, development, migration and national and international child protection laws and policies are not adequately addressing the specific needs of children on the move or responding to the violations of rights that these children often experience during and after migration.

Children on the Move in the international agenda on human rights, child protection and migration and development

Until recently, despite the growing number and their extreme vulnerability, children on the move have been almost invisible in national and international debates. Children are slowly becoming a more recognised part of global migration flows and there is a growing interest in the reasons, patterns and consequences of children's movement.

In 2012, the UN Committee on the Rights of the Child held its **Day of General Discussion** on the theme of children in the context of international migration. In its outcome document, the Committee listed 35 key recommendations to ensure that the rights of migrant children are respected, protected and fulfilled in line with the UNCRC.

During the **UN GA High Level Dialogue on International Migration and Development** held in October 2013, Member States unanimously adopted a Declaration that renews their commitment to the protection of the human rights

⁵ ILO & CHI, *Child migrants in child labour - An invisible group in need of attention: A study based on child helpline case records*, 2012.

⁶ See Save the Children 2012, *Voices of Children on the Move*, consultation with children on the move for the UNCRC Committee DGD September 2012. <http://resourcecentre.savethechildren.se/sites/default/files/documents/6666.pdf>

⁷ Dottridge, M., *Kids abroad: ignore them, abuse them or protect them*, Terre des Hommes International Federation 2008; Feneyrol, O., *Quelle protection pour les enfants concernés par la mobilité en Afrique de L'Ouest?*, BIT, Plan, Enda jeunesse action, Mouvement Africain des Enfants et Jeunes Travailleurs, IOM, Save the Children, Terre des hommes, Unicef, 2011; Plan and Consortium for Street Children (2011) *Still on the street – still short of rights. Analysis of policy and programmes related to street involved children*; Reale, D. (2008) *Away from Home*, Save the Children; UNHCR Guidelines on the Best Interests of the Child, 2008; World Vision International, 2010, *10 Things You Need to Know About Labour Trafficking*;

of all migrants, regardless of their migration status, and strongly condemned manifestations of xenophobia, racism and intolerance. Importantly, in the declaration, States Parties expressed their commitment to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, and to provide for their health, education and psychosocial development, ensuring that the best interests of the child are a primary consideration in policies of integration, return and family reunification.

However, more focussed action is required to ensure that children on the move are adequately supported and protected. **The Human Rights Council High Level Panel on human rights mainstreaming** provides an opportune moment for the international community and for States to make specific commitments, in line with the HLD declaration and the UNCRC Committee recommendations, to ensure that the rights of children on the move become a central part of an effective and inclusive agenda bringing together the respect of human rights, child protection and migration and development policies.

We are calling the international community and political leaders to take national and international action to step up efforts to protect children on the move from being harmed.

In particular, the Inter-Agency Group on Children on the Move calls on Member States participating in the High Level Panel on human rights mainstreaming at the Human Rights Council to:

- **Ensure that the specific needs and rights of children on the move are explicitly discussed during the high level panel and specifically addressed and mainstreamed into the human rights system.** This means identifying concrete measures to ensure that the UNCRC is applied in full when addressing the situation of children on the move and that the best interests of the child should be a primary consideration in all actions in their regard. Migration, child rights and child protection policies should be coherent and based on the UNCRC and other relevant human rights instruments. Specific procedures and tools should be in place to identify, listen to, protect and assist children on the move, in particular those most vulnerable, including in emergency situations and children in need of international protection, including asylum-seeking and refugee children. It is crucial that the protection and fulfilment of the rights of children on the move are adequately addressed by the human rights system and all relevant UN and treaty bodies.
- **Establish effective and comprehensive child protection systems that protect, promote and fulfil the rights of children on the move in accordance to the UNCRC and independent of their migration status.** Such systems should implement coordinated responses across sectors for all children based on the best interests of the child and inclusive of the specific needs of children on the move. They should include mechanisms to ensure the participation of children and of children's organisations.
- **Agree on a common child protection agenda between countries on which to base concrete proposals for normative, institutional and procedural solutions for cooperation and coordination between countries of origin, transit and destination in order to address the situation of children on the move.**
- **Secure a strong integrated child protection goal in the post-2015 framework with specific targets and indicators addressing children on the move, both in emergency and nonemergency settings.** Targets and indicators relevant to the protection of children in the context of migration should also be mainstreamed in other relevant goals within that framework.
- **Support the call for an annual panel discussion at the Human Rights Council on the protection of the human rights of migrants and ensure that the rights of children on the move represent a central part of the discussion within such panels including listening to children's voices in order address and include their views.**
- **Ensure the prevention and reduction of statelessness amongst child migrants and children of migrant parents through concerted state action.**

The Inter-Agency Group on Children on the Move calls on States to translate into action the commitments outlined in the Declaration of the 2013 High Level Dialogue on Migration and

Development and the recommendations of the UN Committee on the Rights of the Child by:

- **Establishing and/or strengthening integrated and inclusive child protection systems** that address both prevention and response throughout the migration process, in a coordinated manner across sectors and allows for non-discriminatory access for all children, including non-nationals. Such systems should also invest in local, community-based systems of protection, such as peer support, which reflect the local context, needs and social norms in place, as well as in monitoring of workplaces that tend to feature young migrant workers. They should include child sensitive and age appropriate procedures to allow early identification of children at risk, including unaccompanied and separated children and children in need of international protection and procedures for appropriate protection and short and long-term assistance and support for all children on the move
- **Providing for the health, education, psychosocial development and protection of children on the move** and ensure that the **best interests of the child** are a primary consideration in all action in their regard, including in the search for both short-term and durable solutions.
- **Ensuring that migration, child rights and child protection policies are coherent and based on the UNCRC** and other key international instruments, that individual measures and decisions which have an impact on children on the move are guided by the principles enshrined in the UNCRC, particularly best interests of the child, non-discrimination, right to express their views, and non-criminalization for irregular migration.
- **Establishing transnational coordination and cooperation mechanisms** with state and non-state actors between countries to ensure that children are protected through all stages of their migration journey, despite moving in an out of different migrant "categories". This may for example be needed when the child's identity, age and circumstances must be established and assessed.

In May 2014 the Swedish government will host the **Global Forum on Migration and Development**. This is another opportunity for governments and the international community to make a serious commitment to prioritizing children on the move within the migration and development agenda through concrete national plans, policies and through the inclusion of specific targets and indicators on children in the context of migration in the post-2015 framework.

For further information, please contact: Daniela Reale, Exploited Children Adviser, Save the Children UK, d.reale@savethechildren.org.uk (serving as Secretariat of the IAG COM).